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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,621	05/20/1999	AJAY RAJKUMAR	5	6743

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EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 03/24/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,621

Applicant(s)

RAJKUMAR, AJAY

Examiner

Rachna Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 11/29/03.
2. Claims 1-20 are pending in the case. Claim 1, 16, and 19 are independent claims.
3. New grounds of rejection introduced to include Maes et al., US Patent 6,016,476, not necessitated by amendment. Therefore, this office action is being made non-final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 8, 9, 11, 13-15, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96) and Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98).

In reference to amended claim 1, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. Compare to ***"obtaining a client identifier during a client contact. . .accessing a record in a database using the client identifier"***. The controller can record and archive the audio information received via the communication into a database for playback at another time. Compare

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to *“recording at least a portion of the client contact as the audio file. . .storing the audio file on a recording media. . .and linking the audio file to the record”*. See columns 3-5. It is inherent that Mogenis' system stores the audio information on some form of recording media though it is not explicitly stated. However, Dockes discloses a writing means (compare to *“storing the audio file on a recording media”*) in a system in which audio data is acquired and linked with other identification data in a relational database. See column 3, lines 14-19 and column 5, lines 1-6. It would have been obvious to one of ordinary skill in the art to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database and Mogenis discloses that a recording or archiving database or memory can be used to store recorded audio or video information. See column 5, lines 1-12.

Amended claim 1 claims a “financial” record in the database. Mogenis' system is directed at accessing a record in a database using a client identifier and recording the client contact as an audio file. Regardless of the “type” of record disclosed by Mogenis, the features of the claimed invention are taught.; however, the “financial” record is not explicitly stated. However, Maes teaches a system and method for recording consumer transactions by a financial institution. Part of the system includes providing a client PDA to the user comprising a microphone for processing voice commands. The user can speak into the microphone and the audio is processed and stored in the central server which is linked to the financial record of the financial institution. See abstract and columns 8-9. Thus Maes teaches associated an audio file with a financial record in a database. A record in a database can comprise of a variety of types of information

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including that of financial information as shown by Maes' system. A record is simply a complete set of information by definition. Since Mogenis teaches linking an audio file to a record in the database and it was well known in the art at the time of the invention for records to comprise a variety of "types of information" including financial information (as taught by Maes), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing an audio file with a record in a database since a record can contain a variety of types of information. Furthermore, Mogenis' system teaches a means for linking an audio file to a database record. While this may not be directed to a "financial" record, there is no reason why one of ordinary skill in the art would be limited to only one type of record. Mogenis' system could be applied to any type of record without interfering with the purpose of associating and storing an audio file to a record.

In reference to claims 16 and 19, Mogenis teaches the use of an "archiving database" for recording the audio information. Thus Mogenis teaches storing the audio file on a system with one or more audio files. The rest of claims 16 and 19 are rejected under the same rationale used in claim 1 above.

In reference to claim 2, Mogenis and Dockes provide a link between the audio file and the record. A link is a pointer to another record. See column 5, lines 1-13 of Mogenis and columns 5, lines 1-6 of Dockes.

In reference to claim 6, Dockes discloses storing the audio file on a blank CD-R. See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art

to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database.

In reference to claims 8, 18, and 20, Dockes discloses a method in which a field in the record is linked to an audio file and a writing means is provided for storing the audio on a recording media (compare to **“accessing a field in the record . . .the pointer identifies a location where the audio file is stored on the recording media”**). See column 3, lines 14-19 and column 5, lines 1-6. Dockes further discloses a link between the physical disc (recording media) and the indexing data (in the database) which allows the user **“access the location on the recording media identified by the pointer.”** See column 8, lines 28-50. Dockes does not explicitly disclose a means of accessing the record in the database; however, Mogenis discloses accessing a database to play an audio file that has been archived. See columns 3-5. It would have been obvious to one of ordinary skill in the art to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database. Moreover, once the method for obtaining, linking, and storing a file has occurred, providing the user with the ability to access the database would have been obvious to one of ordinary skill in the art.

In reference to claim 9, Dockes teaches a means of linking the audio data in digital format. See column 2, lines 42-60 and column 5, lines 1-6. It would have been obvious to one of ordinary skill in the art to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database.

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In reference to claim 11, Dockes discloses storing the audio file on a blank CD-R. See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database.

In reference to claims 13 and 15, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. Compare to *"the contact comprises a telephone call"*. The controller can record and archive the audio information received via the communication into a database for playback at another time. Compare to *"the recording step. . .over the telephone call."* See columns 3-5.

In reference to claim 14, Mogenis' system allows the security center to activate certain sources upon receipt of the phone call. See columns 3-4.

In reference to claim 17, Mogenis teaches a 911 recording system. It was well known in the art at the time of the invention to record time information upon receiving a 911 call. Time information includes date and time.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96) and Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98), as applied to claim 1 above, and further in view of DeMartin et al., US Patent 6,226,672, 5/1/01 (filed 5/2/97).

In reference to claim 3, Mogenis and Dockes teach a means of linking the audio data in digital format. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer. See column 2, lines 42-60 and column 5, lines 1-6. Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on various data storage media (analog or digital). See column 3, lines 45-59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate storing an audio file in analog format on an analog recording media as disclosed by DeMartin within Mogenis' and Dockes' system of linking an audio file in digitized form since audio files are compressed in digitized form.

In reference to claim 4, Dockes teaches a means of linking the audio data in digital format. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer. See column 2, lines 42-60 and column 5, lines 1-6. Dockes does not disclose storing the digitized audio file within the field of a record; however, Mogenis teaches a record in a database consisting of both textual, graphical information and the associated audio information. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a digitized version of the audio file within the record since it was common at the time to include audio information within a record in a database. Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on

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various data storage media (analog or digital). See column 3, lines 45-59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate storing an audio file in analog format on an analog recording media as disclosed by DeMartin within Dockes' system of linking an audio file in digitized form since audio files are compressed in digitized form.

7. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96) and Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98), as applied to claim 1 and 8 above, and further in view of Kelly et al., US Patent 6,047,292, 4/4/00 (filed 9/12/96).

In reference to claims 5 and 10, Kelly teaches that it was common in the art to store data on a cassette tape; however, with the storage capacity that a CD provides, the recording media is being shifted to that of CD-R. See column 1. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tape as a recording media file since it was well known at the time to store audio data on a tape.

8. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96) and Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98), as applied to claims 1 and 8 above, and further in view of Akagiri, US Patent 5,491,481, 2/13/96.

In reference to claims 7 and 12, Mogenis and Dockes do not disclose storing the audio file on semiconductor memory; however, Akagiri teaches that semiconductor memories are used as recording media. See column 1, lines 61-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Akagiri's disclosure of a semiconductor memory recording device in the system disclosed jointly by Dockes and Reed since semiconductor memory allows for additional compression which would be useful in recording audio.

Response to Amendment

Response to Arguments

9. Applicant argues that it is not inherent that Mogenis' system stores the audio information on some form of recording media and that further proof be presented. Mogenis discloses that a recording or archiving database or memory can be used to store recorded audio or video information. See column 5, lines 1-12. Furthermore, Examiner had utilized Dockes in the previous office action to illustrate this feature. Dockes discloses a writing means (compare to ***"storing the audio file on a recording media"***) in a system in which audio data is acquired and linked with other identification data in a relational database. See column 3, lines 14-19 and column 5, lines 1-6. It would have been obvious to one of ordinary skill in the art to combine the systems of Mogenis and Dockes since both are concerned with storing audio files in a relational database and Mogenis discloses that a recording or archiving database or memory can be used to store recorded audio or video information. See column 5, lines 1-12. Thus,

Examiner feels that not only is this feature inherent in Mogenis' system but also present in the Dockes reference as stated and utilized in this and previous office actions.

Applicant further argues that the '004 (Dockes) patent fails to teach "accessing a financial record in the database using the client identifier." Examiner notes that it was NOT the '004 (Dockes) patent that was utilized to teach this feature in the previous office action, but rather the '258 (Mogenis) patent that was utilized. The cited 'column 3, lines 14-19 and column 5, lines 1-6) were directed at the "storing an audio file on a recording media" limitation, not the "accessing a financial record in the database. . ." limitation. Examiner has utilized both Mogenis and Maes in this action to further clarify why the limitation of a "accessing a financial record in the database" is obvious. Mogenis' system is directed at accessing a record in a database using a client identifier and recording the client contact as an audio file. Regardless of the "type" of record disclosed by Mogenis, the features of the claimed invention are taught.; however, the "financial" record is not explicitly stated. However, Maes teaches a system and method for recording consumer transactions by a financial institution. Part of the system includes providing a client PDA to the user comprising a microphone for processing voice commands. The user can speak into the microphone and the audio is processed and stored in the central server which is linked to the financial record of the financial institution. See abstract and columns 8-9. Thus Maes teaches associated an audio file with a financial record in a database. A record in a database can comprise of a variety of types of information including that of financial information as shown by Maes' system. A record is simply a complete set of information by definition. Since Mogenis teaches

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linking an audio file to a record in the database and it was well known in the art at the time of the invention for records to comprise a variety of "types of information" including financial information (as taught by Maes), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing an audio file with a record in a database since a record can contain a variety of types of information. Furthermore, Mogenis' system teaches a means for linking an audio file to a database record. While this may not be directed to a "financial" record, there is no reason why one of ordinary skill in the art would be limited to only one type of record. Mogenis' system could be applied to any type of record without interfering with the purpose of associating and storing an audio file to a record.

In response to Applicant's remarks regarding the type of record Mogenis' claims are directed at, recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In any case, the examiner has utilized Maes to teach this feature and show how Mogenis' intended use is within the realm of a "financial record".

Furthermore, Applicant argues that "financial records" would destroy the Mogenis patent's intended function and change its basic principle. Examiner notes that the

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intended use of Mogenis is "linking an audio file to a database record." Thus there would be no structural difference between the claimed "financial record" and "database record" in that the prior art is capable of performing the intended use of the claimed invention by linking audio information to a database record.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,305,603 B1 Grunbok, Jr., et al.


ZA 9803353A Hattingh, P R

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

RS
3/15/04


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER